THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 13534 of 2006

Dated: 04-01-2007

Between:

K.Baba Fakruddin

..... PETITIONERS

AND

Secretary, Regional Transport Authority,
Anantapur, Anantapur District and another.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 13534 of 2006

O R D E R:

The petitioner claims to be the owner of a goods carriage bearing registration No. KA.04/B-2894 covered by National Permit to operate in four States which was seized by the 2nd respondent on 26-03-2006. It is alleged that the second respondent did not issue any vehicle check report specifying the reasons for seizure and even the request of the petitioner for release of the vehicle was not considered. Hence, this writ petition seeking a declaration that the action of the second respondent is arbitrary and illegal.

In response to the notice issued by this Court, a counter affidavit has been filed on behalf of the respondents stating that as per the report of the Motor Vehicles Inspector, Guntakal, dated 04-08-2006, the petitioner's vehicle was found to be plying with a different number plate. In the circumstances, a demand notice was issued to the petitioner under the provisions of Sections 3,4 and 6 of the Andhra Pradesh Motor Vehicles Act, 1963 read with Rules 12,13 and 14 of the Andhra Pradesh Motor Vehicles Rules, 1963 for payment of tax of Rs.18,240/- together with penalty of Rs.36,480/- totaling a sum of Rs.54,720/- in respect of the unregistered goods vehicle for the period from May, 2005 to March, 2006 vide notice dated 07-08-2006.

In view of the stand taken by the respondents in the counter affidavit, the writ petition is disposed of granting leave and liberty to the petitioner to work out the appropriate remedy as available

under law to challenge the validity of the demand notice dated 07-08-2006 if so advised. It is made clear that in the meanwhile on payment of the amount demanded under the said demand notice and after complying with other statutory requirements if any to the satisfaction of the first respondent, the vehicle in question shall be released. No costs.

G. ROHINI, J

Dated: 04-01-2007
Note: Issue C.C. in two days.
B/0
KLP